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4 **E-FILED on 9/10/07**
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 HYNIX SEMICONDUCTOR INC., et al., 13 Plaintiffs, 14 v. 15 RAMBUS INC., 16 Defendant.	17 No. C 00-20905 RMW 18 ORDER CLARIFYING AUGUST 30, 2007 19 CMC ORDER
20 RAMBUS INC., 21 Plaintiff, 22 v. 23 HYNIX SEMICONDUCTOR INC., et al., 24 Defendants.	25 No. C 05-00334 RMW
26 RAMBUS INC., 27 Plaintiff, 28 v. SAMSUNG ELECTRONICS CO., LTD., et al., Defendants.	29 No. C-05-02298 RMW

1 RAMBUS INC., 2 Plaintiff, 3 v. 4 MICRON TECHNOLOGY, INC., et al., 5 Defendants.	No. C-06-00244 RMW
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7 On August 30, 2007 this court issued an order setting limits on the number of live witnesses
8 that each party may call in their cases-in-chief at the consolidated antitrust trial set for January 22,
9 2008 ("August 30, 2007 Order"). The parties disagree on certain of the limits set forth in that order
10 and seek clarification from the court. The court hereby clarifies:

11 1. The six witnesses that each side (Rambus on one side and Hynix, Samsung, Micron
12 and Nanya (collectively the "manufacturers") on the other) may call in their cases-in-
13 chief are: Paul Anderson, Joel Karp, Neil Steinberg, Geoff Tate, Lester Vincent and
14 Farhad Tabrizi. In addition, the manufacturers may call Richard Crisp. The court
15 recognizes that its August 30, 2007 order listed Anthony Diepenbrock rather than
16 Paul Anderson as a witness that may be called by each side. However, Rambus has
17 since clarified, and the manufacturers do not dispute, that while Anthony
18 Diepenbrock was listed as a common witness in an initial exchange of witness lists,
19 he was not listed as a common witness in the revised witness lists exchanged more
20 recently on August 28, 2007.

21 2. In the August 30, 2007 Order, the court ordered that the manufacturers as a group
22 may select 11 common witnesses out of the 12 proposed common witnesses. In
23 addition, each manufacturer may have up to 3 unique witnesses selected from their
24 proposed lists.¹ These limits were intended to cover all live witnesses, whether or not
25 for the jury phase of the trial. However, on September 5, 2007, the manufacturers
26 submitted a witness list in which they included two witnesses—Paul Anderson and
27 Robert Kramer—beyond the limits set by the court. Although the court's August 30,

28 ¹ It appears that Samsung selected only 2 unique witnesses.

1 2007 Order is without prejudice to an application for substitution or addition of
2 witnesses upon good cause shown on application to the court, no such application
3 was made by the manufacturers. Therefore, the manufacturers are to revise their
4 witness list in accordance with the clarifications set forth in this order and resubmit a
5 witness list no later than Monday, September 10, 2007.

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7 DATED: 9/7/07

Ronald M. Whyte
8 RONALD M. WHYTE
9 United States District Judge

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24 **Dated:** 9/10/07

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